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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of:

Cai *et al.*

Appl. No. 09/769,420

Filed: January 26, 2001

For: **Substituted Nicotinamides and
Analogues as Activators of Caspases
and Inducers of Apoptosis and the
Use Thereof**

Confirmation No. 4240

Art Unit: 1624

Examiner: McKenzie, Thomas C.

Atty. Docket: 1735.0440001/RWE/CJW

Second Supplemental Information Disclosure Statement

Commissioner for Patents
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Information Disclosure Statement filed on July 31, 2001, in connection with the above-captioned application. A copy of each document is also provided.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search

has been made, or that information more material to the examination of the present patent application does not exist.

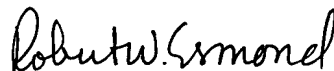
It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

This Information Disclosure Statement is being filed before the mailing date of any of a (i) final action under 37 C.F.R. § 1.113, (ii) a notice of allowance under 37 C.F.R. § 1.113, or (iii) an action that otherwise closes prosecution in the application. This Information Disclosure Statement is accompanied by the fee set forth in 37 C.F.R. § 1.17, and therefore, no statement under 37 C.F.R. § 1.97 is required.

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: July 11, 2002

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